

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

NEW ENGLAND MOTOR FREIGHT, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 19-12809 (JKS)

(Jointly Administered)

**NOTICE OF MEDIATION REQUEST OF UNITED STATES FIRE INSURANCE
COMPANY**

PLEASE TAKE NOTICE that United States Fire Insurance Company (“U.S. Fire”), by and through its undersigned counsel, hereby submits this Notice of Mediation Request in accordance with the Debtors’ and Official Committee of Unsecured Creditor” Amended Joint Combined Plan of Liquidation [Docket No. 932] (as amended by the Third Amended Joint Combined Plan of Liquidation and Disclosure Statement [Docket No. 1023]) and the Order Confirming the Debtors’ and Official Committee of Unsecured Creditors’ Third Amended Joint Combined Plan of Liquidation and Disclosure Statement (“Confirmation Order”) [Docket No. 1123], and states as follows:

MEDIATION REQUEST

1. U.S. Fire submits this Mediation Request with respect to the “Auto Liability Claim” submitted by claimant Richard Milerson (the “Subject Auto Liability Claim”).

¹The Debtors in these Chapter 11 cases and the last four digits of each Debtor’s taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); Mylon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

2. The Auto Liability Claims Protocol Settlement Agreement, which annexed as Exhibit C to the Confirmation Order, provides:

If, after ninety (90) days from the Effective Date, an Auto Liability Claim has not been resolved and/or settled through the informal negotiation process, either the applicable Insurer or the Holder of the Auto Liability Claim may file a written request with the Bankruptcy Court for the Auto Liability Claim to be referred to non-binding mediation (a "Mediation Request"). Upon the filing of a Mediation Request by either party, the Auto Liability Claim shall automatically be referred to mandatory, non-binding mediation without further order or action of the Bankruptcy Court.

See Auto Liability Claims Protocol Settlement Agreement at Exhibit B, paragraph C(4).

3. On May 6, 2020, U.S. Fire received a letter from the law firm London Fischer LLP, defense counsel for the parties in connection with the Subject Auto Liability Claim, stating that the parties were unable to reach an agreement during the ninety (90) day informal settlement period with respect to Auto Liability Claims set forth in the Confirmation Order, and requested that U.S. Fire file a Mediation Request with the Court. Attached hereto as Exhibit A is the May 6, 2020 letter received by U.S. Fire.

Dated: May 8, 2020

Respectfully submitted,

RIKER DANZIG SCHERER HYLAND & PERRETTI LLP

By: /s/ Joseph L. Schwartz
Joseph L. Schwartz

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EXHIBIT A

LONDON FISCHER LLP

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May 6, 2020

VIA E-Mail jschwartz@riker.com

Joseph L. Schwartz
Chair, Bankruptcy & Reorganization
Riker Danzig Scherer Hyland Perretti LLP
One Speedwell Avenue
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In Re: *New England Motor Freight, Inc.*
Case No. 19-12809 (JKS)
US Bankruptcy Court - District of New Jersey

Underlying Claim:

Richard Milerson v. David Frank and NW England Freight Inc.
Docket No.: 18-CV-6736-ARR-RML
Our File No.: 128.0567029

Dear Mr. Schwartz:

We represent Defendants New England Motor Freight, Inc. (s/h/a NW England Freight Inc., hereinafter, "NEMF") and David Frank in the above referenced action, which is subject to the Auto Liability Claims Protocol set forth in the November 19, 2019 "Debtors' and Official Committee of Unsecured Creditors' Third Amended Joint Combined Plan of Liquidation and Disclosure Statement."

The ninety (90) day period for direct negotiations with the claimant Richard Milerson's counsel has expired, and no agreement has been reached. As a result, we hereby request that you file a written request with the Bankruptcy Court for the Auto Liability Claim to be referred for non-binding mediation. We understand that the filing of this Mediation Request will result in an automatic referral to mediation without the need for an order from the Bankruptcy Court.

In this regard, we are already in the process of selecting a mediator and scheduling a mediation date. Should we be unable to reach an agreement as to a Mediator, we understand that an application will need to be made within 10 days for a court appointed mediator.

Claimant Richard Milerson is represented by Jason Rubin, at Wingate, Russotti, Shapiro & Halperin, LLP 420 Lexington Avenue, Suite 2750, New York, New York 10170, telephone (212) 986-7353, email: jrubin@wrslaw.com. Please notify me when the Mediation Request has been submitted, and I will advise counsel of the request.

Thank you for your assistance and cooperation. Should you need anything further from me to complete the Mediation Request, please let me know.

Respectfully Submitted,

A handwritten signature in dark ink, reading "Matthew K Finkelstein", is displayed within a rectangular border.

Matthew K. Finkelstein

Mkf